

REMARKS

New claim 14 finds support at page 10, line 34-page 11, line 2 of the specification.

Review and reconsideration on the merits are requested.

Claims 1-3 and 7-8 were rejected under 35 U.S.C. § 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over U.S. 2003/0198770 to Fukushi et al.

Applicants traverse, and respectfully request the Examiner to reconsider in view of the Declaration evidence submitted herewith and the following remarks.

Rejection under 35 U.S.C. § 102(b):

Fukushi et al was cited as disclosing a laminate meeting each of the terms of the present claims, including a fluororesin (A) comprising at least 95% of interpolymerized units, such as tetrafluoroethylene and chlorotrifluoroethylene, which polymer may further include other perfluorinated monomers such PAVE and PPVE (principally citing paragraph [0015]).

Applicants respectfully disagree.

Fukushi et al does not disclose a copolymer comprising CTFE unit, TFE unit and monomer [A] unit. The passage “Useful examples include interpolymerized units such as tetrafluoroethylene (TFE) and chlorotrifluoroethylene (CTFE).” at paragraph [0015] is not a disclosure of a copolymer of TFE and CTFE. Rather, this passage discloses that the perhalogenated polymer may contain repeating units derived from TFE or may contain repeating units derived from CTFE. The word “interpolymerized” does not mean copolymerized. For example, paragraph [0027] describes that the partially fluorinated polymer (laminated with the first layer consisting essentially of a perhalogenated polymer) *may comprise interpolymerized units of Formula IV*. That is, paragraph [0027] informs that “interpolymerized” means “contains

a repeating unit derived from” and does not mean “copolymerized” with other specific units.

This is because paragraph [0027] only mentions units of Formula IV, but not other units.

Paragraph [0024] confirms that Fukushi et al does not disclose a copolymer comprising CTFE unit, TFE unit and monomer [A] unit. Particularly, Fukushi in paragraph [0024] teaches that preferred perfluorinated polymers useful for the first layer are TFE copolymers such as: FEP, PFA, PCTFE, modified PCTFE, MFA and the like. If Fukushi et al did teach copolymers comprising CTFE unit, TFE unit and monomer [A] unit, as asserted by the Examiner, then one would expect such copolymer to be listed in paragraph [0024], but it is not.

Especially, FEP and PFA were used in the Examples, but not a copolymer of CTFE and TFE. See paragraph [0057].

Because Fukushi et al does not meet each of the limitations of claim 1, the rejection based on anticipation under 35 U.S.C. § 102(b) should be withdrawn.

Rejection under 35 U.S.C. § 103(a):

The present invention is directed to a laminate having a layer (A) comprising a fluororesin and a layer (B) comprising a fluorine-free organic material. The fluororesin is a CTFE copolymer comprising CTFE units, TFE units and monomer [A] units, where the CTFE unit and TFE unit amount to 90 to 99.9 mol% in total. This last characteristic feature of the invention, in particular, achieves excellent liquid chemical impermeability without impairing bonding strength.

Although Fukushi et al relates to composites for various articles including fuel hoses (Abstract), Fukushi et al did not know how to obtain excellent liquid chemical impermeability without impairing bonding strength.

Regarding this last point, as noted above, Fukushi et al employed FEP and PFA in the Examples of their specification, which presumably are their preferred embodiments and the best mode for practicing their invention. However, when FEP and an organic material are laminated, the resulting bonding strength is low. This is shown in the Declaration under Rule 132 by Takeshi Shimono submitted herewith. As described in the Declaration, a two-material two-layer multilayer tube was molded in the same manner as Example 3 at page 35 of the present specification, except that the fluororesin F-B (TFE/HFP=87/13, by mol) was used for forming the inner layer with PA12 serving as the outer layer. As noted in the Declaration, the two layers of the multilayer tube thus obtained were easily separated by hand.

To the contrary, as shown in Table 3 at page 38 of the specification, in Examples 6 and 7 of the invention, a structure having an inner layer made of fluororesin F-G (TFE/CTFE/PPVE=38/60.5/1.5, by mol) or fluororesin F-H (TFE/CTFE/PPVE=38/60.5/1.5, by mol) and an outer layer of PA12 as in Comparative Example 2 of the Declaration submitted herewith provided good bonding strength in addition to excellent liquid chemical impermeability. It is clear from their specification and working examples that Fukushi et al did not know how to make such a laminate.

For the above reasons, it is respectfully submitted that the present claims are also patentable over Fukushi et al, and withdrawal of the foregoing rejection under 35 U.S.C. § 103(a) is respectfully requested.

Withdrawal of all rejections and allowance of claims 1-3 and 7-14 is earnestly solicited.

In the event that the Examiner believes that it may be helpful to advance the prosecution of this application, the Examiner is invited to contact the undersigned at the local Washington, D.C. telephone number indicated below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Abraham J. Rosner
Registration No. 33,276

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

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